

**United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**EDDIE LEE WILLIAMS and
KIMBERLY SUE STILSON,**

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Plaintiffs,

V.

Civil Action No. 4:20-cv-685-ALM-KPJ

**GOOGLE, LLC, VERIZON
WIRELESS, and SAMSUNG
ELECTRONICS AMERICA,**

Defendants.

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 12, 2022, the Magistrate Judge entered proposed findings of fact and recommendations (the “Report”) (Dkt. #34).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, **IT IS ORDERED:**

Accordingly, IT IS ORDERED:

1. Plaintiffs Eddie Lee Williams and Kimberly Sue Stilson’s (“Plaintiffs”) Motion to Dismiss Verizon and Samsung and to Add Claims against Apple, Inc. (“Plaintiffs’ Motion”) (Dkt. #29) is **GRANTED IN PART AND DENIED IN PART**, as follows:

- a. Plaintiffs' Motion is **GRANTED** to the extent it seeks dismissal of Verizon and Samsung, with Plaintiffs' claims against Verizon and Samsung being **DISMISSED WITHOUT PREJUDICE**;
- b. Plaintiffs' Motion is **DENIED** to the extent Plaintiffs seek to add claims against Apple, Inc.;

2. Defendant Cellco Partnership d/b/a Verizon Wireless' Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. #31) is **DENIED AS MOOT**;
3. Defendant Samsung Electronics America, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (Dkt. #30) is **DENIED AS MOOT**;
4. Defendant Google LLC's Motion to Dismiss Amended Complaint or, Alternatively, Transfer (Dkt. #28) is **GRANTED**, and Plaintiffs' Amended Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction; and
5. All relief not previously granted is hereby denied, and the Clerk is directed to close this civil action.

IT IS SO ORDERED.

SIGNED this 12th day of August, 2022.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE